

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NAGATAKE et al.

Serial No.: 09/868,106

Filed: June 14, 2001

Art Unit: 1614

Examiner: Rebecca Cook

Attorney Docket No.: JG-HK-5084

PREVENTIVE AGAINST
RESPIRATORY INFECTIOUS
DISEASES

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STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Dear Sir:

In accordance with MPEP § 713.04, Applicants make the following statements.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10(a)

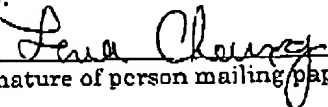
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From: Danielle E. Johnson
 Direct Phone: 212.521.5425
 Email: dejohnson@reedsmith.com
 Date: June 2, 2004

Reed Smith LLP
 599 Lexington Avenue
 New York, NY 10022-7650
 Main Phone: 212.521.5400
 Main Fax: 212.521.5450
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TO Examiner Cook
Company USPTO
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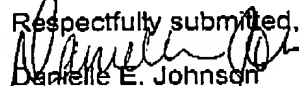
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NOTES: In re Application of: NAGATAKE et al.
 Serial No.: 09/868,106
 Filed: June 14, 2001
 Examiner: Rebecca Cook
 Attorney Docket No.: JG-HK-5084/500572.20040
PREVENTIVE AGAINST RESPIRATORY INFECTIOUS DISEASES

Dear Examiner Cook:

Per our telephone conversation, attached is a copy of the response filed April 16, 2004. Also attached is a copy of the return postcard.

Respectfully submitted,

 Danielle E. Johnson

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Date: June 2, 2004

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7630
Main Phone: 212.521.5400
Main Fax: 212.521.5450
Direct Fax:

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 Serial No.: 09/868,106
 Filed: June 14, 2001
 Examiner: Rebecca Cook
 Attorney Docket No.: JG-HK-5084/500572.20040
PREVENTIVE AGAINST RESPIRATORY INFECTIOUS DISEASES

Dear Examiner Cook:

Attached is a copy of the return postcard for the response to the Office Action mailed on February 11, 2004 for the above identified application.

Respectfully submitted,

Danielle E. Johnson

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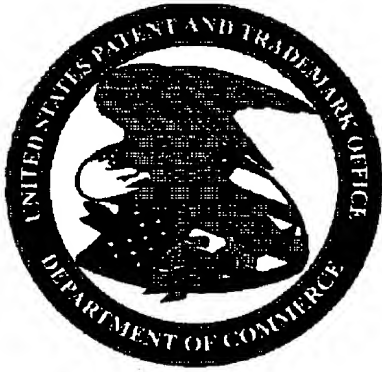
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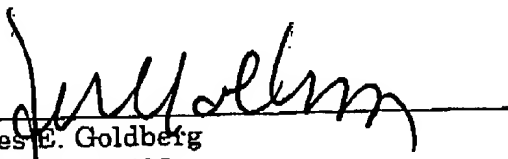
Date and time of transmission: Thursday, June 03, 2004 3:52:42 PM
Number of pages including this cover sheet: 05

Applicants' attorney wishes to thank the Examiner for the careful consideration given this case. On October 29, 2003, Jim Dilmore (Registration No. 51,518; agent for Applicants) conducted a telephonic interview with Examiner Cook regarding the present application (Serial No. 09/868,106). No exhibits were shown, nor were demonstrations conducted. Prior art, namely Goumas (of record), was discussed in light of presently-pending Claim 3. Claim language was discussed, specifically, whether the Examiner would consider if amending "comprising" to recite "consisting essentially of" would overcome the pending rejection under 35 U.S.C. § 103. It was determined that the Applicants would file an RCE so that the Examiner could fully consider the arguments of the Applicants. Accordingly, Applicants filed an RCE on February 11, 2004.

Respectfully submitted,

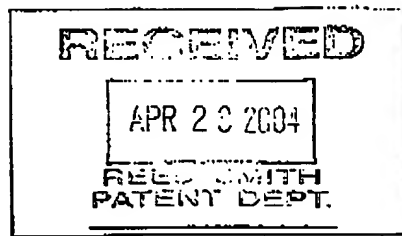
Dated: April 16, 2004

By


Jules E. Goldberg
Reg. No. 24,408

REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650
(212) 521-5400

Attorney for Applicant



EXPRESS MAIL EV 398 728 805 US / April 16, 2004

Attorney Docket No.: JG-HK-5084/500572.20040

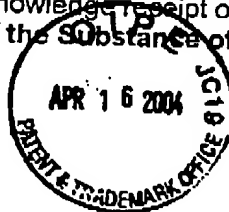
In re Application of: NAGATAKE et al.

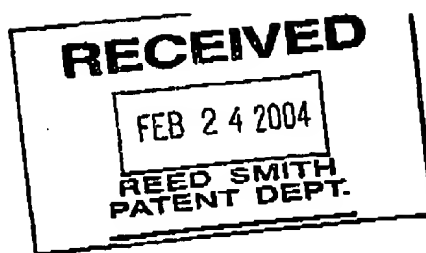
Serial No.: 09/868,106

Filed: June 14, 2001

**PREVENTIVE AGAINST RESPIRATORY INFECTIOUS
DISEASES**

This is to acknowledge receipt of the following:
Statement of the Substance of the Interview





EXPRESS MAIL EV 304 052 103 US / February 10, 2004

Atty Docket No.: JG-HK-5084/500572.20040

NAGATAKE et al.

09/868,106

June 14, 2001

**PREVENTIVE AGAINST RESPIRATORY INFECTIOUS
DISEASES**

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Petition for 3 month extension

Response

